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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,907	07/07/2003	Chuck Chang	MR2549-58	4876
4586	7590	09/30/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			KLEBE, GERALD B	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/612,907	Applicant(s) CHANG, CHUCK	
	Examiner Gerald B. Klebe	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10, 11, 15 and 19 is/are rejected.
- 7) ☐ Claim(s) 5-9, 12-14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

GP Klebe
25 Sep 2004

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Restriction / Election

1. Applicant's election of Species Group I, Figures 1-13, claims 1-19 reading thereon in the reply filed on 9/03/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)), and is hereby made final.

Claim 20, reading on a non-elected species, is withdrawn from further consideration.

Information Disclosure Statement - References listed in the Specification

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." The references listed in the specification have been considered, but, unless the references have been cited by the examiner on form PTO-892, they will not be printed on a patent issuing from this application. Should applicant wish these references to be printed on a patent issuing from this application, a Form PTO-1449, "List of Prior Art cited by Applicant", listing these references must be provided in accordance with requirements set forth in 37 CFR 1.97, 1.98 and MPEP Section 609.

Claims Objections

3. The claims are objected-to for the following informalities:

a. Claim 8, line 4: the recitation "screwed with a fixing member" is awkward; it is suggested that the recitation be changed to -- threaded together with a fixing member --;

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b. Claim 12, line 6: the recitation "screwed with a threaded" is awkward; it is suggested that the recitation be changed to --threaded thereon with a --.

Appropriate correction is required.

c. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 11, in line 5 recites the limitation : "and has independent buffer displacement". Support for this limitation is not found in the specification; the recitation appears to be referring to the discussion at page 11, lines 12-13. It appears to the examiner that the recitation could be replaced by --and providing a cushioning effect during movement--; supported at page 4, line 20.

Claims Rejections - 35 USC § 112, 2nd Paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 15 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 in line 2 recites "a second end"; this is a "non-sequitur" limitation, since there is not previously recited in the claim the limitation of a first end for the wheel seat.

Claim 19 recites the limitation "the fixing portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claims Rejections - 35 USC §102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 4176850).

Johnson discloses a skateboard (10) comprising a board body (12) with a bottom having a base (Figs 11 and 12; taken as item 183 in Fig 12); the base having a bottom with two opposite wheel seats (numbered as 18' in Fig 12; understood as being mounted one each on the left side and the right side) ; each of the two wheel seats including a wheel axle (22 in Fig 11) mounting a roller (28); wherein the axle (22) of each of the two wheel seats has a center (taken as a centerline of the axle) located at a height different from that of a center (taken as the centerline of 19 in Fig 11) of the respective wheel seat so that each roller has independent horizontal and vertical displacement (refer col 2, lines 53-55); and (re: claim 2) further comprising a main seat (108) mounted between the base (183) and the two wheel seats (18'); a main seat restoring device (Fig 11, combination of 46 and 48) mounted between the base (183) and the main seat (108) and two wheel seat restoring devices (Fig 12, item 116; one each mounted left and right sides) each mounted between the main seat (108) and a respective one of the two wheel seats (left side and right side; as shown in Fig 12 for the right side); and (re: claim 3) wherein the main seat (108) has a top rotatably mounted on a bottom of the base (183) by a base pivot shaft (Fig 11, item 38 (showing only the head of the base pivot shaft)); and (re: claim 4) wherein the top of the

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main seat (108; numbered as 42 in Fig 11) is formed with a base receiving portion (Fig 11, item 44), and the bottom of the base (183) is formed with an inverted V-shaped connecting portion (Fig 11, item 36) rotatably mounted on the base receiving portion of the main seat (108; numbered as 42 in Fig 11); and (re: claim 10) wherein each of the two wheel seats (18') is rotatably mounted on a bottom of the main seat (108) by a wheel seat pivot shaft (Fig 11, item 19); and (re: claim 11) wherein the wheel axle (Fig 11, item 22) of each of the two wheel seats is located at a height different from that of the respective wheel seat pivot shaft (Fig 11, item 19), thereby forming an eccentric state, so that each roller on the wheel axle has independent horizontal and vertical displacement providing a cushioning effect during movement (refer col 3, lines 4-6).

Claims Rejections - 35 USC §103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 19, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 4176850) in view of Grossman (US 4645223).

As discussed above, Johnson discloses all of the features of claim 1 from which claim 19 depends.

Johnson lacks explicit disclosure of the skateboard further comprising an adjusting member mounted between the board body and the fixing portion of the base.

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However, Grossman teaches a skateboard using an adjusting member (36) mounted between the board body and the fixing portion of the base.

Therefore it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the skateboard of Johnson to have an adjusting member mounted between the board body and the fixing portion of the base as taught by Grossman in order to adjust the spacing between the top of the wheels and the board as suggested by the reference at column 3, lines 16-17.

Allowable Subject Matter

10. Claims 5-9, 12-14, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art made of Record

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Miller, and of Brand et al. each teach a skateboard with independently suspended wheels; Covert et al. teaches a skateboard wherein the wheel axles have a center located at a height different from that of a center of the respective wheel seat; Matschinsky teaches an independent wheel suspension system. These references show other features in common with some other structures of the inventive concept of the instant application.


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Conclusion

12. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-308-2560.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 gbklebe / Art Unit 3618 / 25 September 2004



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